

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Carl Berthelette et al. / Merck Canada Inc.Application No./Patent No.: 10/502,380 / 7,317,036 Filed/Issue Date: 01/28/2005 / 01/08/2008Titled: **FLUORO SUBSTITUTED CYCLOALKANOINDOLES, COMPOSITIONS CONTAINING SUCH COMPOUNDS AND METHODS OF TREATMENT**Merck Canada Inc. _____, a corporation, subsidiary of Merck & Co., Inc.

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Carl Berthelette et al. To: Merck Frosst Canada & Co.

The document was recorded in the United States Patent and Trademark Office at
Reel 027238, Frame 0460, or for which a copy thereof is attached.

2. From: Merck Frosst Canada & Co. To: Merck Frosst Canada Ltd.

The document was recorded in the United States Patent and Trademark Office at
Reel 017996, Frame 0135, or for which a copy thereof is attached.

3. From: Merck Frosst Canada Ltd. To: Merck Canada Inc.

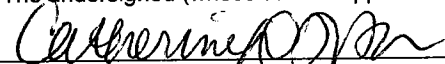
The document was recorded in the United States Patent and Trademark Office at
Reel 027243, Frame 0888, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


Signature

November 18, 2011
Date

Catherine D. Fitch

Managing Counsel, Patents

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

MERCK & CO., INC.

CERTIFICATION

I, Katie E. Fedosz, Senior Assistant Secretary of Merck & Co., Inc. (the "Company"), a corporation duly organized and existing under the laws of the State of New Jersey, United States of America, do hereby certify that the attached, presently in full force and effect, is a true and correct copy of General Corporate Resolution #5, Patent Matters, as amended and readopted on February 22, 2011 by the Board of Directors of said Company at a meeting thereof duly called and held on February 22, 2011 at which a quorum of Directors was present.


IN WITNESS WHEREOF, I have hereunto subscribed my signature and affixed the seal of the Company this 1st day of March 2011.


Senior Assistant Secretary

(SEAL)

United States of America)
State of New Jersey) SS
County of Hunterdon)

Subscribed and sworn to before me on this 1st day of March 2011.


Notary Public

SANDRA MARIE McFADDEN
NOTARY PUBLIC, STATE OF NEW JERSEY
MY COMMISSION EXPIRES JANUARY 18, 2015

General Corporate Resolution #5

PATENT MATTERS

RESOLVED, that any of the following:

Kenneth C. Frazier-President and Chief Executive Officer
Bruce N. Kuhlik-Executive Vice President and General Counsel
Paul D. Matukaitis-Vice President and Assistant General Counsel
Mark R. Daniel-Vice President and Group Managing Counsel
William Krovatin-Vice President and Group Managing Counsel
Valerie J. Camara-Managing Counsel, Patents
Gerard M. Devlin- Managing Counsel, Patents
Catherine D. Fitch-Managing Counsel, Patents
Sheldon O. Heber-Managing Counsel, Patents
Hans Mestrom-Managing Counsel, Animal Health
Edward W. Murray-Managing Counsel, IP Litigation
David A. Muthard-Managing Counsel, Patents
Anthony Rollins-Managing Counsel, European and Japanese Patents
Immac Thompoe-Managing Counsel, Biologics
John C. Todaro-Managing Counsel, Patents
Charles M. Caruso-Counsel
Peter Haeberli-Counsel, Sirna Therapeutics, Inc.
Marieke van Gent-Director, IP
Cynthia A. Francisco-Director, Asset Management

are authorized to execute and to revoke on behalf of Merck & Co., Inc. and its affiliates (including subsidiaries) the following documents relating to patent matters:

Powers of attorney as fully in law as may be necessary and proper in connection with the acquisition, registration, maintenance and enforcement of patents and applications for patents, including powers of attorney relating to the prosecution or defense of patent rights before courts of law or other governmental tribunals, agencies or departments; affidavits and declarations; and any other documents which are necessary and proper for the acquisition, registration, maintenance, litigation and protection of patents.

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